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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,704	12/02/2003	John C. Daynes	1023-126US02	4757

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EXAMINER

MACHUGA, JOSEPH S

ART UNIT PAPER NUMBER

3762

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/725,704	Applicant(s) DAYNES ET AL.	
	Examiner Joseph S. Machuga	Art Unit 3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

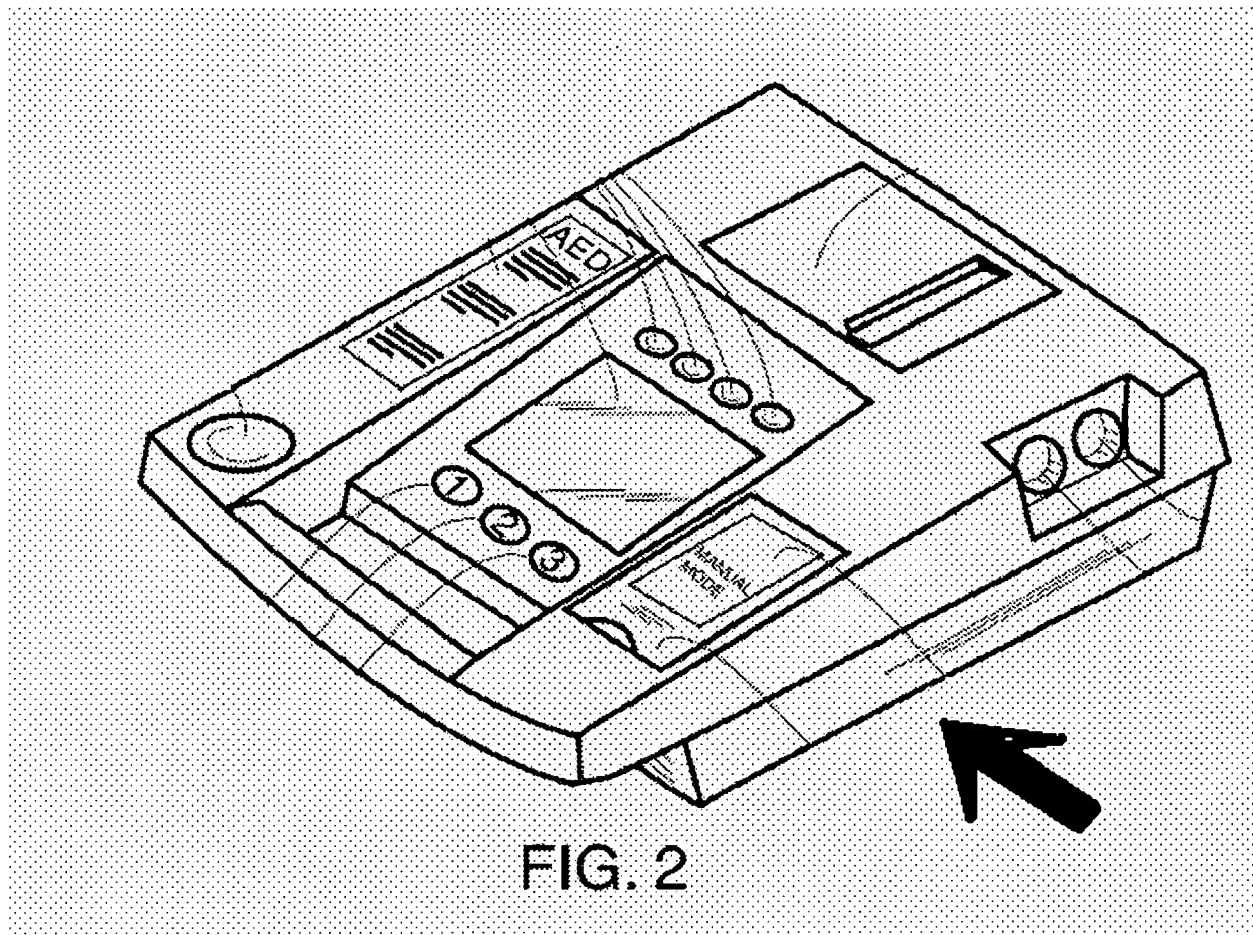
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 9 and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Arand et al #6021349.

The Arand et al reference discloses a defibrillator having a mode changing switch. A door operatively coupled to that switch. The switch, in response to movement of the door changes the defibrillator from AED mode to a manual mode (column 6, lines 17+). When the door is closed and the device is powering down then power up again the device returns it to AED mode.

Regarding claim 17 viewing the device from the right side in Fig 2 (note picture on the following page) the AED buttons would be behind the door as recited in the claim.



Claim Rejections - 35 USC § 103

3.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3762

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arand et al #6021349.

19. Arand et al disclose a defibrillator having a door. Operatively coupled to the door is a switch (column 6 lines 17-29) that switches the device between a first AED mode and a second manual mode. The device includes user commands (46 and 52.) The user commands for the manual mode are located on the door. The user commands for the AED mode are located on the other side of the defibrillator casing. What this reference does not however disclose the user commands for the AED mode located on the door. However, it is considered an obvious design choice to locate the commands 46 to a position on top on door 20 instead of on the other side of the casing to locate all the commands in a convenient common area.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arand et al #6021349 in view of Fraser et al D366258.

Arand et al disclose a defibrillator having first and second mode buttons (40, 50, 51.)

Not disclosed by this reference is the apertures. Fraser et al teaches adding an aperture

to a door to add limited access to important buttons. Given Fraser et al's teaching, it would have been obvious to add apertures to door 20 of Arand et al's defibrillator or to add a door with apertures over buttons 40 to add limited access to those command keys.

7. Claims 7 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arand et al #6021349 in view of Jung 6243819.

Arand et al disclose a multi-mode defibrillator having both a manual mode and an AED mode. The commands for the manual mode are located behind access door 20. The reference teaches on column 6 lines 17+ that a switch or sensor may be coupled to the door to automatically switch the device between the AED mode and the manual mode.

9. Jung discloses a lid switch that responds to an open state and a closed state of a flat panel display. The device has among other things an actuator (latch 35 and bump 34) that engages a concealed switch 42 and functions to secure the lid in the closed position. The switch also helps to conserve power and adds convenience to the electronic device.

10. It would have been obvious to one of ordinary skill in the art to add a concealed lid switch having an actuator (latch and bump) of the type disclosed by Jung to Arand et al's defibrillator given Arand's disclosure that a switch of this type is desirable and Jung's teaching of such a switch is useful in an electronic device to conserve power, add convenience and helps to secure the door in the closed position. As illustrated in Figure

3 of Jung the dotted line indicated that the switch can stay in the second mode with the door closed.

Claims 8, 10–14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arand et al # 6021349 in view of Germer et al # 5025206.

Arand et al discloses a multi-mode defibrillator having both a manual mode and an AED mode. The commands for the manual mode are located behind access door 20. The reference teaches in column 5 lines 44-55 that it's desirable to limit access to the manual control and suggests using a mechanical key lock on the door 20 or a software access code among other secure methods (also see column 3 lines 48-57.) The reference also teaches that the startup mode is the automatic mode.

Germer et al discloses an electronic indicator. The device includes a concealed switch 78 located on an access panel that switches the device between user modes. The switch while easy to operated; that is requiring no special tools, is inconspicuous and not readily apparent to anyone except those familiar with the device (column 4 lines 35-40.)

Given the above teachings it would have been obvious to one of ordinary skill in the art to add a concealed switch of the type disclosed be Germer et al to the door 20 in Arand et al's defibrillator to switch the device between modes and to limit access to the manual controls to only those familiar with the devices manual control functions. Such a switch would allow the device to remain in the manual mode independent of the doors position.

Regarding claim 14 Arand et al's device includes user commands (46 and 52.) The user commands for the manual mode are located on the door. The user commands for the AED mode are located on the other side of the defibrillator casing. While the reference does not disclose placing the user commands for the AED mode located on the door, it is considered an obvious design choice to locate the commands 46 to a position on top on door 20 instead of on the other side of the casing to locate all the commands in a convenient common area.

The limitation in claim 21 that includes "placing the defibrillator in a second mode based on opening of the mode changing door" would be provided for because to place the device of the proposed combination in the second mode would include pressing the switch and opening the door to access the keys.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arand et al in view of Germer et al # 5025206.as applied to claim 10 above, and further in view of Fraser et al D366258.


Fraser et al teaches adding an aperture to a door to add limited access to important buttons. Given Fraser et al's teaching, it would have been obvious to add apertures to door 20 of the proposed combination of Arand et al and Germer et al to add a door with apertures over buttons 40 to add limited access to those command keys.

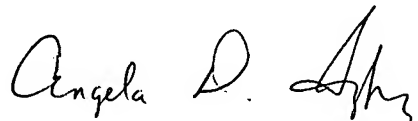
No additional references have been cited in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Machuga whose telephone number is 703-305-6184. The examiner can normally be reached on Monday-Friday; 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D Sykes can be reached on 703-308-5181. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph S. Machuga
Examiner
Art Unit 3762



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